

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL C. JAMERSON,)	
)	
Plaintiff,)	
)	Case No.: 4:16-cv-00760-JAR
vs.)	
)	
JOHN WILLIAMS, et al.,)	
)	
Defendants.)	

**DEFENDANTS JOHN WILLIAMS, M.D. AND JULIE FIPPS, RN'S MEMORANDUM
IN SUPPORT OF THEIR MOTION TO DISMISS**

COME NOW Defendants, John Williams, M.D. and Julie Fipps, RN ("Medical Defendants"), by and through undersigned counsel, and submit this Memorandum in Support of their Motion to Dismiss Plaintiff's Second Amended Complaint, (Doc. 19), stating as follows:

BACKGROUND

Plaintiff Michael Jamerson is a *pro se* prisoner currently confined by the Missouri Department of Corrections. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 against Medical Defendants, among others. (Doc. 19). Plaintiff alleges Dr. Williams refused to treat his Hepatitis C infection ("HCV") at Fipps's direction. (*Id.* at 6, 9). Based on these allegations, Plaintiff alleges violations of his Eighth Amendment rights. (*Id.* at 8).

ARGUMENT

Medical Defendants hereby adopt and incorporate by reference, pursuant to Fed.R.Civ.P. 10(c), the arguments and supporting authority regarding lack of subject matter jurisdiction, (Doc. 34, pp. 5-7), Plaintiff's failure to allege injury or harm in order to establish an Eighth Amendment violation, (Doc. 34, pp. 7-8), and Plaintiff's failure to plead a serious medical need

or deliberate indifference to such need, (Doc. 34, pp. 8-11), set forth by Defendant George Lombardi in his Motion to Dismiss and Memorandum in Support, which apply equally to Plaintiff's claims against Medical Defendants. (Docs. 33, 34). Specifically, Plaintiff has failed to state a cognizable Eighth Amendment claim against Medical Defendants. For the reasons set forth by Defendant Lombardi, Medical Defendants request this Court grant the Motion and dismiss all claims against them.

Respectfully Submitted,

/s/ J. Thaddeus Eckenrode

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail or via first class U.S. Mail, postage prepaid on this 25th day of October, 2016 to the following:

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Pro se Plaintiff

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/s/ Megan Perney